

**REMARKS**

The Office Action in the above-identified application has been carefully considered and this amendment has been presented to place this application in condition for allowance.

Accordingly, reexamination and reconsideration of this application are respectfully requested.

Claims 1–10 are in the present application. It is submitted that these claims were patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112. No changes to the claims are made herein.

Claims 1–10 were rejected under 35 U.S.C. § 103(a) as being anticipated by Hashimoto (U.S. Patent 6,335,909) in view of “Applicant’s admitted prior art.”

In the present invention, “said light beam is focused on said signal recording surface by driving said two-focus lens in a down-search whereby S-shaped fake signals are distinguishable from error signals.” (Claims 1 and 6)

For clarity, it should be understood that a two-focus lens is a lens designed for use at two different wavelengths, with each wavelength having its own discrete focal point. Thus, a two-focus lens is different than using a normal objective lens to focus at two points.

The Examiner contends Hashimoto discloses “an optical pickup for irradiating a light beam through ‘a two-focus lens’ (see col. 3, lines 19-29; for use in multi-layer disks, hence two or more focus)” (Office Action) However at the cited location, Hashimoto simply discloses “an objective lens,” “a focus motor for driving the objective lens,” and “the focusing servo circuit 3 and tracking servo circuit 5 are conventional ones.” (Column 3, lines 21-27) Hashimoto does

not indicate that this objective lens is “a two-focus lens.” Since a single focus objective lens can be readily used to focus at different depths for multi-layer disks, the Examiner’s apparent assertion that a two-focus lens is implied by the application to a multi-layer disk is unfounded. Hence, Hashimoto fails to meet the present invention’s “two-focus lens” limitation.

The Examiner concedes Hashimoto fails to disclose “a down-search whereby S-shaped fake signals are distinguishable from error signals” and relies on the statements made in the background section of Applicant’s application as admitted prior art to meet these limitations. (Office Action) However, the background section simply states there is a problem distinguishing S-shaped fake signals using the up-search technique and that “in order to avoid the failure, *it may be possible* to carry out so-called down search.” (Specification page 3, line 15) The background section further indicates prior attempts to use down-search exhibit a problem of the lens colliding with and damaging the optical disc. (Specification page 3, lines 18-20) Contrary to the Examiner’s assertion, these statements simply indicate the problem is well known and that the prior art does not provide a solution to this problem. In other words, Applicant admits that the prior art does not teach “a down-search whereby S-shaped fake signals are distinguishable from error signals.” Hence, Applicant’s admitted prior art clearly states that the prior art does not teach “a down-search whereby S-shaped fake signals are distinguishable from error signals” as recited in the present claims.

Accordingly, for at least these reasons, Hashimoto in combination with Applicant’s admitted prior art fails to obviate the present invention and the rejected claims should now be allowed.

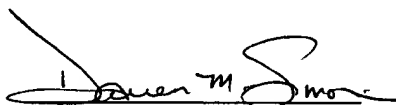
In view of the foregoing amendment and remarks, it is respectfully submitted that the application as now presented is in condition for allowance. Early and favorable reconsideration of the application are respectfully requested.

No additional fees are deemed to be required for the filing of this amendment, but if such are, the Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP

By:

A handwritten signature in black ink, appearing to read "Darren M. Simon", written over a horizontal line.

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